IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

MICHAEL L. O. JOHNSON, and)	7:04CV5019
KRISTY A. JOHNSON, husband)	
and wife,)	
)	
Plaintiffs,)	
)	
VS.)	MEMORANDUM
)	AND ORDER
COUNTY OF BOX BUTTE, a)	
Political Subdivision in the State of)	
Nebraska, the BOX BUTTE)	
COUNTY SHERIFF'S OFFICE, the)	
ALLIANCE POLICE DEPARTMENT)	
and OFFICER SEAN BUSCH, an)	
individual and employee of the CITY)	
OF ALLIANCE, a political)	
subdivision of the State of Nebraska,)	
STATE OF NEBRASKA, the)	
NEBRASKA DEPARTMENT OF)	
HEALTH & HUMAN SERVICES,)	
VICKI STANEC, an individual and)	
employee of NDHHS,)	
)	
Defendants.)	

By order dated February 23, 2005 (filing 16), the court granted a motion to dismiss filed by the State of Nebraska, Nebraska Department of Health and Human Services, and Vicki Stanec in her official and individual capacities (collectively, the "State Defendants"). As that order did not dispose of claims against the defendants who had not filed a motion to dismiss (the "Remaining Defendants"), judgment was withheld pending disposition of the remaining claims. Now before the court is a motion by Plaintiffs to dismiss the claims against the Remaining Defendants. (Filing

18.) The Remaining Defendants filed an "Objection" in response to the motion to dismiss, which explained that the Remaining Defendants had refused to stipulate to the dismissal without prejudice because they believed there was no basis for further state claims against them, and stated that "[w]hile these Defendants do not stipulate to this dismissal, we do not object to the Court's entering of such an order." (Filing 23)

I will grant the motion to dismiss the claims against the Remaining Defendants, and will enter judgment disposing of all claims by separate order.

Accordingly,

IT IS ORDERED:

- 1. The motion to dismiss (filing 18) is granted and all claims against Box Butte County, the Box Butte County Sheriff's Department, the Alliance Police Department, Sean Busch (in his official and individual capacities) and the City of Alliance are dismissed without prejudice; and
 - 2. Judgment will be entered by separate order.

April 28, 2005.

BY THE COURT:

s/ Richard G. Kopf United States District Judge